

## REMARKS

Claims 1, 2 and 4-8 are pending in the application. It is gratefully acknowledged that the Examiner has objected to Claim 2 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner rejected Claims 1 and 4-8 under 35 U.S.C. §103(a) as unpatentable over Lim (U.S. Patent No. 6,628,974) in view of Iwata et al. (U.S. Patent No. 5,723,959) and Lemirande (U.S. Patent No. 4,394,607).

With reference to the rejection of independent Claims 1, 4 and 6-8, Applicants respectfully submit that Lim and Iwata do not provide any motivation for their combination. Besides pertaining to completely different fields, Iwata discloses a driving control system that senses whether an object is in the path of a window to prevent closure on a foreign object (see Col. 2, ln. 30-35), mainly for safety concerns. The present invention is aimed at providing a control system for opening and closing a folding mobile terminal, for convenience.

The Examiner states that Iwata teaches a mechanism that controls operation of an object, and this mechanism would be applicable to the sub-body of a foldable cellular phone. This characterization is extremely broad; a mechanism that controls operation of an object is every mechanism; that is what mechanisms do. To view Iwata in this way would allow combination of references from any and all fields. *Particular* reasons that a skilled artisan would combine the components must be shown. *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

In this case, that means finding a particular reason a skilled artisan would combine a driving mechanism for a power window in an automobile, with a driving mechanism for a cellular phone. On its face, the combination is a mismatch. The components and circuitry in a cellular phone are drastically different from those in a car door. And further, it is readily apparent that the components used in a car door would not be applicable nor function as needed in a mobile terminal. It follows that no one would be motivated to combine technology from the two divergent fields.

In addition, the motivation behind Iwata and the instant application differ as well. Iwata is motivated by safety concerns; the present invention, by convenience. It can even be said that the two are at odds; what is safe is often not convenient and what is convenient is often not safe. Again, there is no motivation or reason to combine a power-window-safety-drive mechanism

with a powered sub-body for a mobile terminal.

Without the requisite motivation to combine Lim with Iwata, the Examiner has not shown all the limitations of Claims 1, 4 and 6-8 in the prior art.

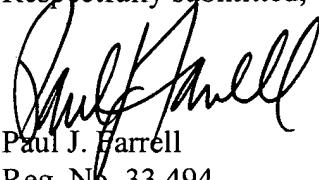
Based on at least the foregoing argument, withdrawal of the rejections of Claims 1, 4 and 6-8 is respectfully requested.

In addition to the foregoing arguments, independent Claims 1, 4 and 6-8 have been amended to include that the control of the motor is based, at least in part, on the condition that after at least one additional cycle of the motor after an overload condition is determined. Neither Lim in view of Iwata et al. nor Lemirande, alone or in combination, teach or disclose this element. Based on at least the foregoing amendment, withdrawal of the rejections of Claims 1, 4 and 6-8 is respectfully requested.

Independent Claims 1, 4, and 6-8 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 5, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 5 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-8, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM